

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Date: Monday, February 21, 2011
Place: Capitol

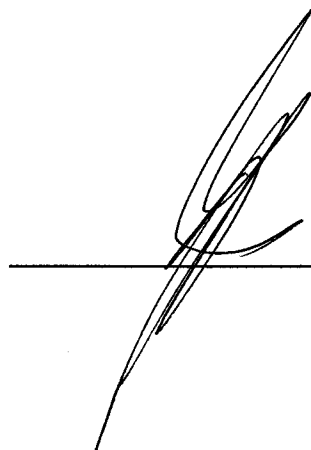
Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 385 - Provide for parents as scholars program
SB 386 - Revise school laws for school reform and improvement
SB 388 - Generally revise education laws for tenure flexibility

EXECUTIVE ACTION TAKEN:

SB 388, SB 329, SB 386, SB 385, HB 182, SB 141



SEN. Ryan Zinke, Chair

MONTANA STATE SENATE
ROLL CALL
EDUCATION AND
CULTURAL RESOURCES

DATE: 2-21, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Zinke	✓	
Vice Chair Ripley	✓	
Senator Branae	✓	
Senator Brown	✓	
Senator Essmann		✓
Senator Facey	✓	
Senator Hawks	✓	
Senator Lake	✓	
Senator Moore	✓	
Senator Stewart-Peregoy	✓	

10 Committee Members



SENATE STANDING COMMITTEE REPORT

February 21, 2011

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 388** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Ryan Zinke, Chair

And, that such amendments read:

1. Page 1, line 20 through line 22.

Strike: "The salary" on line 20 through "." on line 22

Insert: "The salary for the new teaching or administrative position described in subsection (1) may not be altered if the transfer occurs after a school fiscal year has begun. If the transfer occurs at the beginning of a school fiscal year, the teacher's salary must be the same as the salary that the teacher would have received if the teacher had been continuously employed in the new position."

- END -

Committee Vote:

Yes 6, No 4

Fiscal Note Required ☐

SB0388001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2011

Page 1 of 3

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 329** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Ryan Zinke, Chair

And, that such amendments read:

1. Title, line 10.

Following: "EXCEED"

Insert: "REVENUE"

Strike: "ANY PRIOR YEAR"

Insert: "THE PREVIOUS 5 YEARS"

2. Title, line 11 through line 16.

Strike: "REQUIRING" on line 11 through "GRANTS;" on line 16

3. Title, line 18 through line 19.

Strike: "ELIMINATING" on line 18 through "ACT;" on line 19

4. Title, line 19.

Strike: "20-9-342,"

5. Title, line 20 through line 21.

Strike: "20-9-516, 20-9-630," on line 20

Strike: "REPEALING" on line 20 through "MCA;" on line 21

6. Title, line 22.

Strike: "IMMEDIATE"

7. Page 2, line 16.

Insert: "(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if

Committee Vote:

Yes 9, No 1

Fiscal Note Required ☐

SB0329001SC.sdr

transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

8. Page 3, line 7.

Strike: "Whenever"

Insert: "Except as otherwise provided by law, whenever"

9. Page 5, line 1.

Strike: "Montana"

Following: "vendor"

Insert: ", including a Montana vendor,"

10. Page 5, line 2.

Strike: "their"

Insert: "the vendor's"

11. Page 6, line 1.

Following: "transfer"

Insert: ", in which case the funds may be spent for the purpose approved on the ballot"

12. Page 6, line 10.

Insert: "(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

13. Page 6, line 20.

Following: "over"

Strike: "tax levels"

Insert: "revenue"

14. Page 6, line 21.

Following: "in"

Strike: "a prior year"

Insert: "any of the previous 5 years"

15. Page 7, line 5 through line 19.

Strike: section 6 in its entirety

Renumber: subsequent sections

16. Page 7, line 26.

Following: "over"

Strike: "tax levels"

Insert: "revenue"

17. Page 7, line 27.

Following: "in"

Strike: "a prior year"

Insert: "any of the previous 5 years"

18. Page 8, line 25.

Following: "reimbursement"

Strike: ", the transfer of a tuition fund balance,"

19. Page 8, line 29.

Following: "project"

Strike: ", funds transferred from a closed tuition fund,"

20. Page 9, line 4 through page 11, line 4.

Strike: sections 9 and 10 in their entirety

Renumber: subsequent sections

21. Page 12, line 3 through line 15.

Strike: section 12 in its entirety

Renumber: subsequent section

22. Page 12, line 17.

Strike: "on passage and approval"

Insert: "July 1, 2011"

- END -

BILL TIED VOTE REPORT

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

The **SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE** TABLED
SB 386 - Revise school laws for school reform and improvement
, by motion, on **Monday, February 21, 2011**.

Comments: 5 to 5 vote, committee did not table.

(For the Committee)

Gilda Clancy
(For the Secretary of the Senate)

7:15 / 2-22-11
(Time) (Date)

February 21, 2011

Gilda Clancy, Secretary

Phone: 4816



SENATE STANDING COMMITTEE REPORT

February 21, 2011

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 385** (first reading copy -- white) **do pass as amended**.

Signed: _____

Senator Ryan Zinke, Chair

And, that such amendments read:

1. Page 2, line 20.

Strike: "50"

Insert: "25"

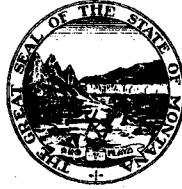
- END -

Committee Vote:

Yes 9, No 1

Fiscal Note Required ____

SB0385001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2011

Page 1 of 1

Mr. President:

We, your committee on Education and Cultural Resources recommend that House Bill 182 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Senator Ryan Zinke, Chair

To be carried by Senator Edward Buttrely

And, that such amendments read:

1. Page 2, lines 20 and 21.

Following: "DISTRICT A" on line 20

Strike: "LEVY FOR THE PAYMENT OF"

Insert: "proposition to impose a levy to pay"

2. Page 2, line 21.

Following: "ON"

Strike: "THE"

Insert: "an"

Following: "OBLIGATION"

Insert: "that is payable from the conservation-related cost savings under energy performance contracts as defined in 90-4-1102"

3. Page 2, line 24.

Following: "FUNDS"

Strike: "PLEGGED TO THE REPAYMENT OF THE BOND OR NOTE"

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

HB0182001SC08055.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2011

Page 1 of 4

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 141** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Ryan Zinke, Chair

And, that such amendments read:

1. Title, line 8 through line 9.

Following: "POLICY;"

Strike: "AND REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP A MODEL POLICY"

Insert: "ESTABLISHING THE STANDARD OF CARE FOR LIABILITY OF SCHOOL DISTRICTS; AND PROVIDING PERSONAL IMMUNITY FROM SUIT FOR INDIVIDUALS"

2. Page 1, line 13.

Strike: "4"

Insert: "6"

3. Page 1, line 16.

Following: "any"

Insert: "persistent"

4. Page 1, line 17.

Following: "conduct"

Strike: "or"

Insert: ", including"

5. Page 1, line 18 through line 19.

Following: "that"

Strike: "a reasonable" on line 18 through "effect of" on line 19

6. Page 1, line 20.

Committee Vote:

Yes 7, No 3

Fiscal Note Required ☐

SB0141001SC.sdr

Strike: "placing"

Insert: "causes a student physical harm, damages a student's property, or places"

7. Page 1, line 21.

Following: "substantially"

Strike: "interfering with a student's educational performance or opportunities"

Insert: "and materially interferes with a student's access to an educational opportunity or benefit"

8. Page 1, line 22.

Following: "substantially"

Strike: "disrupting"

Insert: "and materially disrupts"

9. Page 1, line 26.

Following: "prohibited."

Insert: "(1)"

10. Page 1, line 28.

Strike: "strictly"

Following: "prohibited"

Insert: ". This prohibition includes but is not limited to bullying, harassment, or intimidation"

11. Page 1, line 29.

Strike: "(1)"

Insert: "(a)"

ReNUMBER: subsequent subsections

12. Page 2, line 1.

Following: "including"

Insert: "when the student is traveling to and from school or"

13. Page 2, line 2.

Following: "substantially"

Insert: "and materially"

14. Page 2, line 5.

Insert: "(2) A student who is determined by a school district to have engaged in bullying, harassment, or intimidation is subject to discipline in accordance with the provisions of 20-5-201 and 20-5-202, including suspension, expulsion, and any other sanction authorized by law."

15. Page 2, line 7.

Strike: "prohibiting"

Insert: "addressing"

16. Page 2, line 9 through line 11.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

17. Page 2, line 19.
Following: "investigation"
Insert: ", as defined in the district policy,"

18. Page 2, line 22.
Strike: "outside"
Insert: "subject to"
Following: "school"
Strike: "or"
Following: "district"
Insert: "or of another public agency, including law enforcement,"

19. Page 2, line 24.
Following: "notification"
Insert: ", as defined in the district policy,"

20. Page 2, line 26.
Strike: "including counseling"
Insert: "as defined in the district policy"

21. Page 2, line 27.
Strike: "including counseling"
Insert: "as defined in the district policy"

22. Page 2, line 29.
Strike: "prominent"

23. Page 3, line 1 through line 2.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

24. Page 3, line 3.
Following: "sections"
Strike: "1 through 4"
Insert: "2 through 6"

25. Page 3, line 5.

NEW SECTION. Section 5. Liability -- standard of care.

(1) [This act] may not be construed to create any new cause of action against or liability of a school district beyond causes of action and theories of liability that existed prior to [the effective date of this act].

(2) A school district may be held liable for bullying, harassment, or intimidation if it is shown by a preponderance of

the evidence that the school district had actual knowledge of the bullying, harassment, or intimidation, that the bullying, harassment, or intimidation was so severe, pervasive, and objectively offensive that it effectively deprived a pupil of access to an educational opportunity or benefit, and that the school district was deliberately indifferent to the bullying, harassment, or intimidation."

26. Page 3, line 5.

Insert: "NEW SECTION. Section 6. Personal immunity from suit.

An individual investigating or reporting an incident of bullying, harassment, or intimidation or participating in resulting administrative or judicial proceedings is personally immune from any suit, civil or criminal, that might otherwise arise and from any liability that might otherwise be imposed unless the individual was grossly negligent, acted in bad faith or with malicious purpose, or provided information knowing the information to be false."

Renumber: subsequent section

27. Page 3, line 6.

Strike: "4"

Insert: "6"

28. Page 3, line 7.

Strike: "4"

Insert: "6"

- END -

DATE 2-21-11 BILL NO SB388 MOTION NO. 1
MOTION: DO PASS AS AMENDED

[illegible]

DATE 2-21-11 BILL NO. SB329 MOTION NO. 2
MOTION BEAMENDED

[illegible]

EDUCATION & CULTURAL RESOURCES COMMITTEE

MOTION: DO PASS AS AMENDED

[illegible]

DATE 2-21-11 BILL NO SB386 MOTION NO. 4
MOTION: DO PASS

[illegible]

DATE 2-21-11 BILL NO SB386 MOTION NO. 5
MOTION DETABLED

[illegible]

MONTANA STATE SENATE

Roll Call Vote

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 2-21-11 BILL NO SB 385 MOTION NO. 6

MOTION: DO PASS AS AMENDED

[illegible]

DATE 2-21-11 BILL NO SB141 MOTION NO. 7
MOTION: TAKE OFF TABLE

[illegible]

DATE 2-21-11 BILL NO SB 141 MOTION NO. 8
MOTION: DO PASS AS AMENDED

[illegible]

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Tom Facey, request to be excused from the
EDUCATION COMMITTEE
due to my other commitment. I desire to leave my proxy vote with:

Sen Bob Hawks

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

SB141 AS AMENDED	✓	

BILL/AMENDMENT AYE NO

Sen.

Tom Facey
(Signature)

Date

2-21-11

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Sponsor: Senator Edward Walker

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Monday, February 21, 2011

SB 386 - Revise school laws for school reform and improvement

Sponsor: Senator Sharon Stewart-Peregoy

PLEASE PRINT

Name	Representing	Support	Oppose
Darrell Rud	SAM		X
Gloria Curdy	Teacher		X
Jean Bodinje-Kyle	retired teacher ^{Admin}		X
Don Seckman	Educators		X
Jane McAllister	teacher		X
Debra Lamm	Montana Family Foundation		X
Dennis Parman	OPI		X
Willis Curdy	Flight Instructor Teacher		X
LANCE MELTON	MTSBA		X
Jean Croxson	MEA/teacher		X
Marco Ferro	MEA-MFT		X
Steve Meloy	BPE		X
Dave Ryan	MRED		X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Sponsor: Senator Mary Caferro

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.